IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 5696 OF 2005

Shri Kuldeep Annasaheb Hegde ..Petitioner.

Versus

Shri Pralhad Baba Raut & Ors. ..Respondents.

Mr. P.B.Shah & Vivek Salunke for the Petitioner.
Mr. G.S.Godbole for the Respondent No. 1.
Ms. V.Mhaispurkar, AGP for the Respondents Nos.4 to 6.

CORAM : S. A. BOBDE, J.
DATED : 04TH OCTOBER, 2005.

P.C.:

1. It is obvious from the impugned order dated 22.08.2005 and fairly not disputed by the learned counsel for the respondent No.1 that the said order for re-counting was made without recording any evidence. Such an order is not sustainable. It is settled law that re-counting may be ordered by the court only after recording evidence and after satisfying that a case for re-counting has been made out. In this view of the matter, the impugned order is hereby set aside.

2. The learned J.M.F.C., Indapur may record evidence, consider it and decide the application for re-counting of votes afresh. The learned J.M.C. is

directed to expedite the trial of the case as early as possible and in any case not later than six months from the next date.

DT.04.10.05 (S.A.BOBDE,J)

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